ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

C A P. V.

An Act for the Incorporation of the Territories of *British Kaffraria* with the Colony of the *Cape of Good Hope*. [27th *March* 1865.]

WHEREAS it is expedient that the Territories of *British Kaffraria* (hereafter in this Act called *British Kaffraria*) and the Colony of the *Cape of Good Hope* (hereafter in this Act called the *Cape of Good Hope*) be united for all Purposes of Government and Legislation:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The *British Kaffraria* Act, 1865. Short Title.

2. In this Act the Term "Governor" applied to the *Cape of Good Hope* and to *British Kaffraria* respectively includes any Officer for the Time being lawfully administering the Government thereof. "Governor."

3. If before such Proclamation as next herein-after mentioned is made the Parliament of the *Cape of Good Hope* makes Provision for the Incorporation of British Kaffraria

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with Cape of Good Hope by Local Legislatures.

the Incorporation of *British Kaffraria* with the *Cape of Good Hope* (which they are hereby empowered to do), and the Governor of the *Cape of Good Hope* as Governor of *British Kaffraria* assents to such Provision by an Instrument under his Hand and under the Seal of *British Kaffraria*, then from and after the Date of such Assent *British Kaffraria* shall become incorporated with the *Cape of Good Hope* on the Terms of such Provision, for all Purposes whatever, as if *British Kaffraria* had always formed Part of the *Cape of Good Hope*.

Operation of this Act.

4. The Governor of the *Cape of Good Hope*, if he thinks fit, may at any Time before he has given such Assent declare, by Proclamation in the Government Gazette of the Colony, that the subsequent Provisions of this Act shall take effect, and those Provisions shall accordingly take effect from the Date of such Proclamation; but if such Proclamation is not made, then this Act shall operate as if the subsequent Provisions of this Act, or any of them, had not been inserted in this Act.

Additional Members of Assembly of Cape of Good Hope.

5. Four Members shall be added to the Number of the Members of the House of Assembly of the *Cape of Good Hope* (to which Members so added the Term "additional Members of the House of Assembly" when hereafter used in this Act refers).

Electoral Divisions in British Kaffraria.

6. *British Kaffraria* shall be divided into Two Parts, which shall be Electoral Divisions within the Meaning and for the Purposes of the Ordinance constituting a Parliament for the *Cape of Good Hope* (hereafter in this Act called the Constitution Ordinance), in like Manner and with the like Effect in all respects (subject to the other Provisions of this Act) as if those Electoral Divisions had been expressly constituted and named as such in that Ordinance.

Distribution of Members and Tenure of Seats.

7. Two of the additional Members of the House of Assembly shall be elected for each Electoral Division of *British Kaffraria*, and the additional Members shall hold their Seats in the House of Assembly for the same Period and subject to the same Conditions as if they had been elected under the Provisions of the Constitution Ordinance.

Governor of British Kaffraria to have Powers of Governor of Cape as to Elections.

8. In relation to the first Election of additional Members of the House of Assembly the Governor of *British Kaffraria* shall have all such Powers and Authorities as the Governor of the *Cape of Good Hope* has in relation to the Election of Members of the House of Assembly under the Constitution Ordinance.

9. With

British Kaffraria.

9. With respect to the Election of Members of the Legislative Council of the *Cape of Good Hope*, the Two Electoral Divisions of *British Kaffraria* shall be comprised in and form Part of the Eastern Districts, within the Meaning and for the Purposes of the Constitution Ordinance, in like Manner and with the like Effect in all respects (subject to the other Provisions of this Act) as if those Electoral Divisions had been expressly constituted Part of the Eastern Districts in that Ordinance.

For Elections to Legislative Council, British Kaffraria to be in Eastern Districts.

10. For the Purposes of the voting in *British Kaffraria* for Members of the Legislative Council, and of the electing of the additional Members of the House of Assembly, the Governor of *British Kaffraria* shall make such Ordinances and issue such Proclamations as seem to him necessary or proper for defining and naming the Two Electoral Divisions of *British Kaffraria*, and for regulating the Registration of Voters therein, and for appointing Returning Officers, and fixing the Times and Places of voting and Election, and generally for regulating the Conduct of such voting and electing; but no such Ordinance or Proclamation shall alter the Qualification of the Electors or Elected as declared by the Constitution Ordinance; and, subject to such Ordinances and Proclamations, the voting in *British Kaffraria* for Members of the Legislative Council, and the electing of the additional Members of the House of Assembly, shall be conducted in like Manner as if they were voted for and elected under the Provisions of the Constitution Ordinance.

Governor of British Kaffraria to make Ordinances, &c. for defining Electoral Divisions.

11. Nothing in this Act shall prevent the Parliament of the *Cape of Good Hope* from altering in any respect the Constitution Ordinance, or from making such Provision as to them from Time to Time seems fit respecting any Matter regulated by any of the foregoing Provisions of this Act.

Nothing to prevent Parliament of the Cape from altering Ordinances, &c.

12. On the First Election of the additional Members of the House of Assembly being completed, the Governor of the *Cape of Good Hope* shall, by Proclamation in the Government Gazette of the Colony, declare their Names and the Fact of their Election, and from and after the Date of such Proclamation *British Kaffraria* shall become incorporated with the *Cape of Good Hope* on the Terms of this Act, for all Purposes whatever, as if *British Kaffraria* had always formed Part of the *Cape of Good Hope*.

Proclamation of Incorporation.

13. Until the Incorporation of *British Kaffraria* with the *Cape of Good Hope* in consequence of such Proclamation (hereafter in this Act called the Incorporation) takes effect, all Powers and Authorities vested in or exercised by the Governor of *British Kaffraria*

Continuance of Powers of Governor of British Kaffraria till Incorporation.

Kaffraria shall remain as if this Act had not been passed, and on the Incorporation those Powers and Authorities shall absolutely cease.

Continuance of Laws of British Kaffraria after Incorporation.

14. Until the Parliament of the *Cape of Good Hope* otherwise provides, all Laws and Customs which at the Time of the Incorporation are in force in *British Kaffraria* shall continue in force there after the Incorporation.

As to Transfer of Jurisdiction and Authority of Supreme Court of Cape of Good Hope, &c. in Civil and Criminal Matters.

15. Until the Parliament of the *Cape of Good Hope* otherwise provides, the Jurisdiction and Authority of the Supreme Court of the *Cape of Good Hope* and of the Court of the Eastern Districts thereof shall from and after the Incorporation extend to *British Kaffraria*, as if *British Kaffraria* had always formed Part of the *Cape of Good Hope*, and were comprised in the Eastern Districts thereof; and nothing in this Act shall discontinue or otherwise interfere with any Suit or Proceeding, Civil or Criminal, pending at the Time of the Incorporation in the Supreme Court of *British Kaffraria*, save only that on the Incorporation all such Suits and Proceedings shall, by virtue of this Act, stand transferred to the Court of the Eastern Districts of the *Cape of Good Hope*, and the same may be carried on, tried, heard, and determined in and by that Court, and an Appeal shall lie therein from that Court, in like Manner as nearly as may be in all respects as if they had been instituted or taken in that Court after the Incorporation; nor shall anything in this Act discontinue or otherwise interfere with any Appeal from the Supreme Court of *British Kaffraria* pending at the Time of the Incorporation, and the same may be prosecuted, heard, and determined, and any Judgment, Decree, or Order therein may be made, executed, and enforced, in like Manner as nearly as may be in all respects as if this Act had not been passed, save only that in relation to any such Appeal, Judgment, Decree, or Order, the Court of the Eastern Districts of the *Cape of Good Hope* shall be substituted for the Supreme Court of *British Kaffraria*.

Continuance of Electoral Provisions after Incorporation.

16. Until the Parliament of the *Cape of Good Hope* otherwise provides, all Ordinances and Proclamations made and issued by the Governor of *British Kaffraria* in pursuance of this Act relative to the voting in *British Kaffraria* for Members of the Legislative Council, or to the electing of the additional Members of the House of Assembly, shall continue in force after the Incorporation.

Sum to be paid out of Revenue for defraying Expenses as in Schedule.

17. Until the Parliament of the *Cape of Good Hope* otherwise provides, there shall, from and after the Incorporation, be payable every Year to Her Majesty, out of the Revenue accruing within *British Kaffraria* after the Incorporation, the Sum of Eighteen thousand

thousand two hundred and twenty-five Pounds, for defraying the Expenses of the several Services described in the Schedule to this Act; and that Sum shall be issued by the Treasurer of the *Cape of Good Hope* in discharge of such Warrant or Warrants as may be from Time to Time directed to him under the Hand and Seal of the Governor of the *Cape of Good Hope*.

As to Revenue and Debt of British Kaffraria.

18. Subject to the last foregoing Provision, all Revenue accruing within *British Kaffraria* after the Incorporation shall be taken to be Part of the Revenue of the *Cape of Good Hope;* and all Money at that Time due on account of *British Kaffraria* shall thenceforth be deemed to be due on account of the *Cape of Good Hope*.

SCHEDULE.

	£
Salary of the Governor as High Commissioner -	1,000
Other Civil Services, including Compensations for Loss of Office consequent on the Incorporation awarded with the Approval of One of Her Majesty's Principal Secretaries of State - - - - -	17,225
	£18,225

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.